UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,764	07/11/2005	John Alan Gervais	PU030016	6099

24498 7590 01/07/2010

Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton, NJ 08543-5312

EXAMINER	
CHAN, SAI MING	
ART UNIT	PAPER NUMBER
2462	

MAIL DATE	DELIVERY MODE
01/07/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/541,764	GERVAIS ET AL.	
	Examiner	Art Unit	
	SAI-MING CHAN	2462	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *9/29/2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 7-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 7-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 9/29/2009 has been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Eerenberg et al. (U.S. PG-Publication #20030002540),** in view of **Myles et al. (U.S. PG-Publication #20040008661).**

Consider **claims 1 and 9,** Eerenberg et al. clearly disclose and show an apparatus for wirelessly transmitting and receiving digital video data, comprising:

a means for receiving a time stamp (paragraph 0008 (received successive transmission time stamps)) indicating a time of video transmission (paragraph 0022 (video payload));

a means for determining a relative time difference between the time stamp and a previous time stamp (paragraph 0008 (calculate time difference from the received successive time stamps));

However, Eerenberg et al. do not show communicating the relative time difference to a transmitter and for the transmitter to adjust the time base.

In the same field of endeavor, Myles et al. clearly show:

a means for communicating the relative time difference to a transmitter (paragraph 0013 (STA sends the synchronization information to AP, or vice versa))

having as one feature of transmission a time base (paragraph 0013 (synchronization time));

a means for the transmitter to adjust the time base in according to the relative time difference (paragraph 0013 (adjustment factor)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to demonstrate an apparatus for wirelessly transmitting and receiving digital video data, as taught by Eerenberg, and show communicating the relative time difference to a transmitter and for the transmitter to adjust the time base, as taught by Myles, so that timing synchronization can be achieved.

Consider **claim 7**, it is being rejected for the same reason as set forth in claim 1 except transmitting the relative time difference to one or more wireless station receivers.

In the same field of endeavor, Myles et al. clearly show transmitting the relative time difference to one or more wireless station receivers (paragraph 0013 (AP sends the synchronization information to STAs)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to demonstrate an apparatus for wirelessly transmitting and receiving digital video data, as taught by Eerenberg, and show transmitting the relative time difference to one or more wireless station receivers, as taught by Myles, so that timing synchronization can be achieved.

Consider **claim 2, and as applied to claim 1 above,** Eerenberg et al. clearly disclose and show an apparatus, wherein the transmitter communicates to one or more receivers (fig. 1 (2->4), paragraph 0022), the adjusted time base according to the relative time difference (fig. 3 (18->19->21), paragraph 0026 (time difference is used for reliable time base for transmission)).

Consider **claim 3, and as applied to claim 1 above,** Eerenberg et al. clearly disclose and show an apparatus, wherein one or more receivers (fig. 1 (2->4), paragraph 0022) adjust a time base according to the relative time difference (fig. 3 (18->19->21), paragraph 0026 (time difference is used for reliable time base for transmission)).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Eerenberg et al. (U.S. Patent Publication #20030002540),** in view of **Myles et al. (U.S. PG-Publication #20040008661)** and **del Prado Pavon et al. (U.S. Patent #7120092),** and further in view of **Mohindra (U.S. Patent Publication # 20050020226).**

Consider **claim 8**, and **as applied to claim 7**, Eerenberg et al. clearly disclose an apparatus for wirelessly transmitting and receiving digital video data as described.

However, Eerenberg et al. do not show adjusting a time base according to a relative time difference.

adjusting a beacon packet in accordance with the adjusted clock (paragraph 0013 (synchronization information));

transmitting the adjusted beacon packet to a wireless station (paragraph 0013 (STA sends the synchronization information to AP, or vice versa)); and

utilizing the adjusted beacon to adjust the rate of the local clock (paragraph 0013 (adjustment factor)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to demonstrate an apparatus for wirelessly transmitting and receiving digital video data, as taught by Eerenberg, and show adjusting a time base according to a relative time difference, as taught by Myles, so that timing synchronization can be achieved.

However, Eerenberg et al., as modified by Myles, do not show adjusting a clock in the local oscillator.

In the same field of endeavor, del Prado Pavon et al. clearly disclose

determining a relative time difference between a current and a previous AUX SCR (abstract (master sends cycle time value)) to the current and a last value latched in a local oscillator clock (abstract (slave calculates the difference value), column 4, lines 44-54 (oscillators));

adjusting a clock in the local oscillator (fig. 2a (18a (non-master) update), column 4, lines 44-54 (write to the cycle time register)) to synchronize a data rate in a set top;

outputting the adjusted clock to a MAC Chip (column 5, lines 53-60 (MAC layer));

However, Eerenberg et al. do not show adjusting the rate of the local clock.

adjusting a beacon packet in accordance with the adjusted clock (fig. 3a, step 59);

transmitting the adjusted beacon packet to a wireless station (fig. 3a, step 61); and

utilizing the adjusted beacon to adjust the rate of the local clock (fig. 3b, step 69).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to demonstrate an apparatus for wirelessly transmitting and receiving digital video data, as taught by Eerenberg, show adjusting a time base according to a relative time difference, as taught by Myles, and show adjusting the rate of the local clock, as taught by del Prado Pavon, so that timing synchronization can be achieved.

However, Eerenberg et al., and as modified by Myles and del Prado Pavon, do not specifically disclose VCXO.

In the same field of endeavor, Mohindra clearly shows VCXO (paragraph 0014 (VCXO)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to demonstrate an apparatus for wirelessly transmitting and receiving digital video data, as taught by Eerenberg, show adjusting a time base according to a relative time difference, as taught by Myles, show adjusting the rate of the local clock, as taught by del Prado Pavon, and demonstrate voltage controlled oscillator crystal, as taught by Mohindra, so that the best video quality can be achieved.

Response to Amendment

Applicant's arguments filed on 9/29/2009, with respect to claims 1, 7, 8 and 9, on pages 4-8 of the remarks, have been carefully considered.

The Examiner appreciates the detail explanation in the Applicant's remarks. In the present application, Applicants basically argue that Erenberg does not teach or suggest "communicate relative time difference to a transmitter" and "time difference calculation in the transmitter". The Examiner has modified the response with an existing reference which provides "communicate relative time difference to a transmitter" and "time difference calculation in the transmitter". See the above rejections of claims 1, 7, 8 and 9, for the relevant interpretation and citations found in Myles, disclosing the limitations.

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Sai-Ming Chan whose telephone number is (571) 270-1769. The Examiner can normally be reached on Monday-Thursday from 6:30 am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Sai-Ming Chan/
Examiner, Art Unit 2462
December 23, 2009

/Donald L Mills/
Primary Examiner, Art Unit 2462